



CITY OF ANNISTON

P.O. Box 2168

ANNISTON, AL 36202

**OFFICE OF THE CITY MANAGER
DON A. HOYT, M. Ed., M.P.A.**

**TELEPHONE (256) 236-3422
FAX (256) 231-7632**

February 20, 2013

233832

• Mr. Robert A. Wimbish
Baker and Miller, PLLC
2401 Pennsylvania Ave. NW (Suite 300)
Washington, DC 20037

**ENTERED
Office of Proceedings**

FEB 22 2013

**Part of
Public Record**

RE: Norfolk Southern Rail Abandonment
Calhoun County, Alabama
STB Docket No. AB-290 (Sub No. 334x)

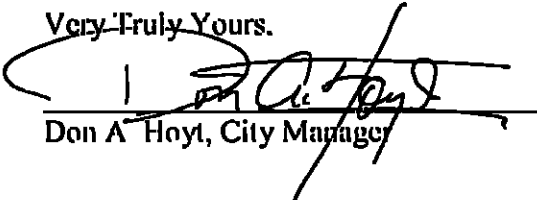
Dear Mr. Wimbish:

Please find enclosed a copy of a railbanking request just forwarded to the Surface Transportation Board on behalf of the City of Anniston, Alabama. The City has had interest in acquiring this segment of track for a long time to incorporate it into its Chief Ladiga Trail development.

Acquisition of this corridor has been proposed for over ten (10) years. It was included in the Calhoun County Metropolitan Planning Commission's (MPO) Bicycle and Pedestrian Plan in 2003 and its 2012 update. Both plans were vetted through public participation, adopted by the MPO and submitted to the Alabama Department of Transportation. Each plan was distributed to member governments, and in subsequent years they have been available for public review at the MPO web page at www.carpdc.org. You are invited to review the site.

The City of Anniston is very interested in incorporating this segment of track into our trail network, and we look forward to working with you and other representatives of Norfolk Southern as we investigate the feasibility of acquisition.

Very Truly Yours.


Don A. Hoyt, City Manager

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CITY OF ANNISTON

P.O. Box 2168

ANNISTON, AL 36202

OFFICE OF THE CITY MANAGER
DON A. HOYT, M. Ed., M.P.A.



February 20, 2013

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

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SURFACE
TRANSPORTATION BOARD

**RE: Norfolk Southern Railway Company Abandonment in Calhoun County, Alabama
STB Docket No. AB-290 (Sub No. 334x): Former EARY track north of GP Junction**

Dear Ms. Brown

This request is filed on behalf of the City of Anniston, Alabama which is a government agency interested in transportation, which is hereinafter referred to as "proponent". While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Eastern Alabama Railway Mile Post LAM 508.08 (near the intersection of W 10th and Pipe Streets in Anniston) to Milepost LAM 509.89 (to the east of the Eastern end of W 30th Street, also in Anniston).

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble and review title information, to complete a trail plan, or to commence negotiations with the carrier.
2. An order barring removal or destruction of potential rail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

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B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Anniston is willing to assume full responsibility for management of, and for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Norfolk Southern Railway Company.

The property, known as the Pipe Street Extension, extends from railroad milepost LAM 508-08 near the intersection of W 10th and Pipe Streets in Anniston to railroad milepost LAM 509-89 near the east of the eastern end of 30th Street, also in Anniston, a distance of 1.81 miles in Calhoun County, Alabama. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No 334x)

A map depicting the right-of-way is attached

The City of Anniston acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and that it is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Enclosed herein is a check for the \$200.00 filing fee, drawn by the City's legal counsel who will be assisting us in this effort. I understand, however, that government agencies are entitled to a fee waiver. If that is correct, please accept this letter as a request by the City for such waiver. If there is anything more that you need from the City of Anniston to accompany our request, please let me know.

Finally, by my signature below, I certify that I have served a copy of this request on Norfolk Southern Railway Company, by U.S. Mail, postage prepaid, first class, on the 20th day of February, 2013 as follows.

Mr Robert A Wimbish
Baker and Miller, PLLC
2401 Pennsylvania Ave, NW, Suite 300
Washington, DC 20037

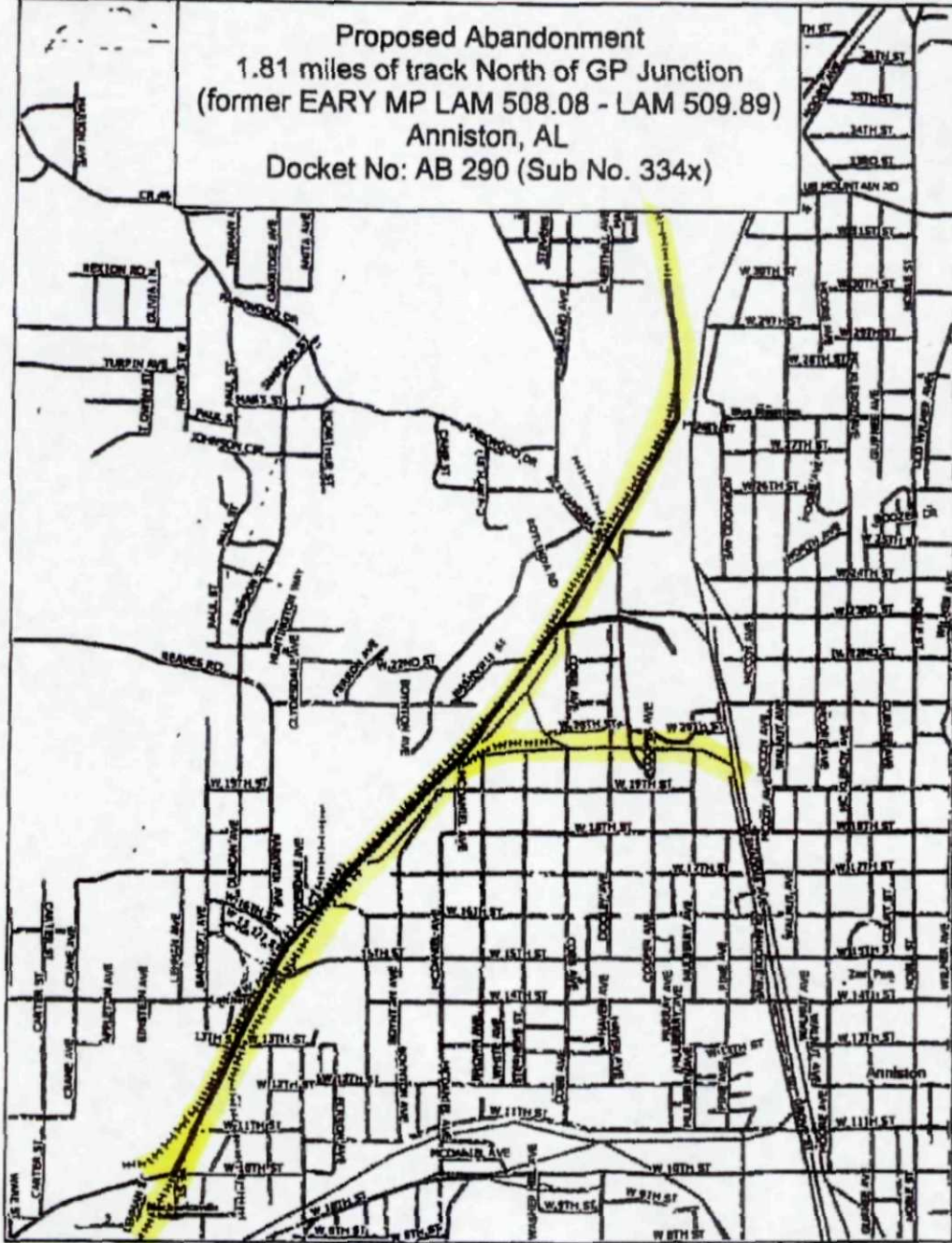
Respectfully Submitted,

CITY OF ANNISTON, ALABAMA

By 
Don A Hoyt, City Manager

cc Mr. Robert A. Wimbish

Proposed Abandonment
1.81 miles of track North of GP Junction
(former EARY MP LAM 508.08 - LAM 509.89)
Anniston, AL
Docket No: AB 290 (Sub No. 334x)



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Scale 1 : 17 600
 1" = 1,466.7 ft Data Zoom 13-5